

Attachment C

An Ordinance Amending the Zoning Ordinance

(Underline indicates addition)
 (~~Strikeout~~ indicates deletion)

DRAFT

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO THE GENERAL PLAN UPDATE

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be amended to be consistent with the General Plan Update. The amendments made by this ordinance are intended to revise references and to implement the San Diego County General Plan.

Section 2. Section 1110, DEFINITIONS (L), of the Zoning Ordinance is amended to read as follows:

Lot Area, Gross: The total area of a legally created parcel including:

1. All private streets and other easements (such as open space easements) where the underlying property is held in fee title.
2. The area to the centerline of any abutting Non-Circulation Mobility Element ~~Route-public street road~~ right-of-way, and
3. Only the 30 foot local interest portion of any abutting Circulation Mobility Element ~~Route-street road~~ right-of-way shall be included.
4. The area within any trail easement dedicated pursuant to the County Trails Program.

Section 3. Section 1110, DEFINITIONS (L), of the Zoning Ordinance is amended to read as follows:

Lot Area, Net: The gross area of a parcel minus:

1. The area of any street right-of-way,
2. Any fenced flood control or walkway easement. The area within any trail easement dedicated pursuant to the County Trails Program shall not be subtracted from the gross area of a parcel to calculate the Net Lot Area.
3. Irrevocable offers of dedication when the property is within an urban a Village classification of the General Plan; and

4. The area contained in the panhandle of a panhandle lot when the lot is in a zone where the minimum required lot size is 10,000 square feet or less.

Section 4. Section 2050, COMPATIBILITY MATRIX, of the Zoning Ordinance is added to read as follows:

2050 COMPATIBILITY MATRIX.

The Director shall prepare and cause to be inserted in copies of the Zoning Ordinance, an official Compatibility Matrix which expresses in graphic form the compatible Use Regulations contained in Sections 2100 through 2989, inclusive with the appropriate General Plan Land Use Designations.

COMPATIBILITY MATRIX

SUMMARY PREPARED PURSUANT TO SECTION 2050

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance and General Plan.

USE REGULATIONS

Land Use Designations	RS	RD	RM	RV	RU	RRO	RR	RC	RMH	C30	C31	C32	C34	C35	C36	C37	C38	C40	C42	C44	C46	M50	M52	M54	M56	M58	A70	A72	S80	S82	S86	S88	S90	S92	S94				
	RS	RD	RM	RV	RU	RRO	RR	RC	RMH	C30	C31	C32	C34	C35	C36	C37	C38	C40	C42	C44	C46	M50	M52	M54	M56	M58	A70	A72	S80	S82	S86	S88	S90	S92	S94				
Village Residential																																							
Village Residential 30 (VR-30)	O	•	•	•	•	•		•	•		O		O	O													O	O	•	O	O	•	•	O	•				
Village Residential 24 (VR-24)	O	•	•	•	•	•		•	•		O		O	O													O	O	•	O	O	•	•	O	•				
Village Residential 20 (VR-20)	O	•	•	•	•	•		•	•																		O	O	•	O	O	•	•	O	•				
Village Residential 15 (VR-15)	O	•	•	•	•	•		•	•																		O	O	•	O	O	•	•	O	•				
Village Residential 10.9 (VR-10.9)	•	•	•	•	•	•		O	•																		O	O	•	O	O	•	•	O	•				
Village Residential 7.3 (VR-7.3)	•	•	•	•	•	•		O	•																		O	O	•	O	O	•	•	O	•				
Village Residential 4.3 (VR-4.3)	•	•	•	•	•	•	O	O	•																		O	O	•	O	O	•	•	O	•				
Village Residential 2.9 (VR-2.9)	•	•	•	•	•	•	O	O	•																		O	O	•	O	O	•	•	O	•				
Village Residential 2 (VR-2)	•	•	O	O	•	•	•	O	•																		O	O	•	O	O	•	•	O	•				
Semi-Rural																																							
Semi-Rural 0.5 (SR-.05)	•	•	O	O	O	•	•	O	•																		O	O	•	O	O	•	•	O	•				
Semi-Rural 1 (SR-1)	•	•	O	O	O	•	•	O	•																		O	O	•	O	O	•	•	O	•				
Semi-Rural 2 (SR-2)	•	O					O	•	O	O					O			O		O							•	•	•	O	O	•	•	•	•				
Semi-Rural 4 (SR-4)	O						O	•	O	O					O			O		O							•	•	•	O	O	•	•	•	•				
Semi-Rural 10 (SR-10)	O						O	•	O	O					O			O		O							•	•	•	O	O	•	•	•	•				
Rural Lands																																							
Rural Lands 20 (RL-20)							•		O						O			O		O							•	•	•	O	O	•	•	•	•				
Rural Lands 40 (RL-40)							•		O						O			O		O							•	•	•	O	O	•	•	•	•				
Rural Lands 80 (RL-80)							•		O						O			O		O							•	•	•	O	O	•	•	•	•				
Rural Lands 160 (RL-160)							•		O						O			O		O							•	•	•	O	O	•	•	•	•				
Commercial																																							
General Commercial (C-1)										•	O	•	•	•	•	O	O	O	•	•	•								•		•	•	•	•	•				
Office Professional (C-2)										•	O	O	O	O	O	O	O	O	O	O	•							•		•	•	•	•	•	•				
Neighborhood Commercial (C-3)										•	O	•	O	O	O	O		O	O	O	O							•		•	•	•	•	•	•				
Rural Commercial (C-4)										O	O	•	O	O	O	O		•	•	•	O									•	•	•	•	•	•				
Village Core Mixed Use (C-5)					O			O		•	•	•	•	•	•	•	•	O	•	O	•									•	•	•	•	•	•				
Industrial																																							
Limited Impact Industrial (I-1)															O	O	O	O				•	•	O				•		•	•	•	•	•					
Medium Impact Industrial (I-2)															O	•	•	•				O	•	•	•	O					•	•	•	•					
High Impact Industrial (I-3)															O	O	O	O					O	•	•	•		•	•	•	•	•	•	•	•				
Other																																							
Tribal Lands (TL)																																							
Federal and State Lands (F/SL)	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	•	•	O	•	•	O	•				
Specific Plan Area (SPA)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•				
Public/Semi-Public Facilities (P/SP)																													•	•		•	•	•	•				
Open Space-Conservation (OS-C)																												•			•	•	•	•	•				
Open Space-Recreation (OS-R)																												•			•	•	•	•	•				

**MATRIX
LEGEND**

- Consistent Use Regulation
- O Special Circumstances

Section 5. Section 2100, RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is repealed as follows:

RESIDENTIAL USE REGULATIONS

RS# SINGLE FAMILY RESIDENTIAL USE REGULATIONS
 RD# DUPLEX/TWO FAMILY RESIDENTIAL USE REGULATIONS
 RM# MULTI-FAMILY RESIDENTIAL USE REGULATIONS
 RV# VARIABLE FAMILY RESIDENTIAL USE REGULATIONS
 —(~~# = Number which denotes approximate dwelling units per acre.~~)

2100 INTENT.

The provisions of Section 2100 through Section 2109, inclusive, shall be known as the RS Single Family Residential Use Regulations, the RD Duplex/ Two Family Residential Use Regulations, the RM Multi-Family Residential Use Regulations, or the RV Variable Family Residential Use Regulations, depending on the building type specified in the title. These Use Regulations are intended to create and enhance areas where family residential uses are the principal and dominant use and where certain civic uses are conditionally permitted when they serve the needs of residents. Typically, these Use Regulations would be applied to rural, suburban, and urban areas where adequate levels of public service are available and where there is a desire to create residential neighborhoods and to maintain such neighborhoods once developed. Application of the appropriate Use Regulations with appropriate development designators can create a traditional, exclusively single-family residential area, a duplex or two- family residential area, a multi-family residential area, or an area with a combination of single family, duplex, two-family or multi-family dwellings.

Section 6. Section 2140, URBAN RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is repealed as follows:

RU# URBAN RESIDENTIAL USE REGULATIONS

—(~~# = Number which denotes approximate dwelling units per acre.~~)

2140 INTENT.

The provisions of Section 2140 through Section 2149, inclusive, shall be known as the RU Urban Residential Use Regulations. The RU Use Regulations are intended to create and enhance areas where permanent family residential uses are permitted and institutional residential care uses are conditionally permitted and civic uses are permitted when they serve the needs of the residents. Typically, the RU Use Regulations would be applied to rural, suburban, or urban areas where adequate levels of public services are available. Various applications of the RU Use Regulations with appropriate development designators can create areas which have a single-family character or areas which, because of the scale of structures, are recognizable as high-density areas.

Section 7. Section 2180, RURAL RESIDENTIAL USE REGULATIONS, of the Zoning Ordinance is repealed as follows:

RR# RURAL RESIDENTIAL USE REGULATIONS

——(~~# = Number which denotes approximate dwelling units per acre.~~)

2180 INTENT.

The provisions of Section 2180 through 2189, inclusive, shall be known as the RR Rural Residential Use Regulations. The RR Use Regulations are intended to create and enhance residential areas where agricultural use compatible with a dominant, permanent residential use is desired. Typically, the RR Use Regulations would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired. Various applications of the RR Use Regulations with appropriate development designators can create buffers between residential and agricultural uses, family or small farm areas, or large lot rural residential developments.

Section 8. Section 2870, LIMITED CONTROL USE REGULATIONS, of the Zoning Ordinance is repealed as follows:

~~S87 LIMITED CONTROL USE REGULATIONS~~~~2870 INTENT.~~

~~The provisions of Section 2870 through Section 2879, inclusive, shall be known as the S87 Limited Control Use Regulations. The S87 Use Regulations are intended to provide limited controls on the use of property in portions of the unincorporated area of the County pending specific studies to enable rezoning of said area in conformance with the adopted General Plan.~~

~~2872 PERMITTED USES.~~

~~The following use types are permitted by the S87 Use Regulations:~~

~~a. Residential Use Types.~~

~~Family Residential~~

~~b. Civic Use Types.~~

~~Essential Services~~

~~Fire Protection Services (see Section 6905)~~

~~c. Agricultural Use Types.~~

~~Horticulture (all types)~~

~~Tree Crops~~

~~Row and Field Crops~~

~~Packing and Processing: Limited~~

~~2873 PERMITTED USES SUBJECT TO LIMITATIONS.~~

~~The following use types are permitted by the S87 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.~~

~~a. Commercial Use Types.~~

~~Animal Sales and Services: Veterinary (Large Animals) "6"~~

~~Animal Sales and Services: Veterinary (Small Animals) "6"~~

~~Recycling Collection Facility, Small or Large "2"~~
~~Recycling Processing Facility, Wood or Green Materials "3"~~

~~2874 USES SUBJECT TO A MINOR USE PERMIT.~~

~~The following use types are allowed by the S87 Use Regulations upon issuance of a Minor Use Permit.~~

~~a. Civic Use Types.~~

~~Civic, Fraternal, or Religious Assembly (within existing buildings)~~
~~Law Enforcement Services~~
~~Minor Impact Utilities~~
~~Small Schools~~

~~b. Agricultural Use Types~~

~~Farm Labor Camps~~

~~c. Expansion of any existing use type located on the property.~~

~~d. Commercial Use Types~~

~~Cottage Industries "17" (see Section 6920)~~

~~2875 USES SUBJECT TO A MAJOR USE PERMIT.~~

~~In addition to the Use Types permitted by Section 2872 through 2874, above, all other Use Types, with the exception of Adult Entertainment Establishments and Emergency Shelters, are permitted by the S87 Use Regulations upon issuance of a Major Use Permit.~~

Section 9. Section 4008, DEVELOPMENT DESIGNATORS, of the Zoning Ordinance is amended to read as follows:

4008 DEVELOPMENT DESIGNATORS.

All applications of the Development Regulations shall contain designators appropriate and auxiliary to the zone's Use Designator. When a designator is not included for the Development Regulations, a dash ("-") shall occupy the location normally occupied by the designator. The meaning of a dash ("-") shall be as specified in the appropriate regulations for each designator. Where a blank space has been used it shall have the same meaning as a dash. Designators shall be included for Development Regulations in accordance with the following table.

Usable Open Zones Space	Designators							
	Den- sity	Lot Size	ing Type	Build- Floor Area	Maximum F.A.R.	Height	Cover- age	Set- back
Residential I	R- <u>O</u>	R	R	O	0	R	0	R

Commercial I	O	O	R	O	O	R	O	R
Mfg/ Industrial X	X	O	R	O	O	R	O	R
Agricultural I	O	R	R	O	O	R	O	R
Special Use I	O	O	O	O	O	O	O	O

Key

R = Required. Designator shall always be included within the Development Regulations except that the lot size designator is optional when zone contains "P" designator under Special Area Regulations.

O = Optional. Designator may be included within the Development Regulations when deemed appropriate.

X = Prohibited. Designator shall not be included within the Development Regulations.

I = Designator shall be included within the Development Regulations when the multi-dwelling residential building type or the attached three to eight dwelling units residential building type is or may be permitted within the zone. (Refer to building type designator).

Section 10. Section 4105, DENSITY DESIGNATOR NOTATION, of the Zoning Ordinance is amended to read as follows:

4105 DENSITY DESIGNATOR NOTATION.

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively or a zero "0" density indicating no dwelling units are allowed. A dash ("-") shall indicate that ~~no dwelling units are allowed~~ no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. ~~This prohibition~~ A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations (see sections 6156 and 6160).

Section 11. Section 4110, DENSITY REGULATIONS, of the Zoning Ordinance is amended to read as follows:

4110 DENSITY REGULATIONS.

- a. Specification of Density. The adopted San Diego County General Plan provides the maximum allowed residential density for residential land use designations. Maximum residential densities expressed in dwelling units per net residential acre

~~shall~~ may be established in zoning to regulate the density of residential development where densities are not specified in the General Plan or lesser densities than those in the General Plan are deemed appropriate. Any such density may be specified within the Development Regulations.

- b. Density Designator. In no case shall a density greater than ~~43 dwelling units per net residential acre~~ that allowed in the General Plan be specified.
- c. Minimum Density. Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential density shall not be specified except in association with a maximum residential density.

Section 12. Section 4115, COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS, of the Zoning Ordinance is amended to read as follows:

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.
The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units as long as the General Plan density is not exceeded. Maximum number of dwelling units derived from General Plan densities are based on gross lot area and may not be rounded up. The use of a dash ("-") as a density designator shall indicate ~~that no dwelling unit is allowed as a principal or secondary use~~ no density is specified by zoning and that the General Plan shall be referred to in order to determine maximum allowed density. ~~This prohibition~~ A zero "0" density shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

Section 13. Section 4210, LOT AREA REGULATIONS, of the Zoning Ordinance is amended to read as follows:

4210 LOT AREA REGULATIONS.

- a. Specification of Lot Area. Minimum lot areas shall be established to regulate the minimum area that lots or building sites must have before they may be developed, and any such minimum lot area may be specified within the development unit. ~~The adopted San Diego County General Plan shall serve to guide the specification of minimum lot area.~~

- b. Lot Area Designator. In no case shall a minimum lot area of less than 3,000 square feet be designated under the provisions of the Lot Area Regulations, except where a lesser lot area may be permitted under the provisions of the Planned Development Standards commencing at Section 6600, the provisions of Section 4230 relating to lot area averaging, or where otherwise excepted by this ordinance.

Section 14. Section 4220, MINIMUM LOT AREA REQUIREMENTS MET, of the Zoning Ordinance is amended to read as follows:

4220 MINIMUM LOT AREA REQUIREMENTS MET – SUBSTANDARD LOT
Any substandard lot or building site shall be deemed to meet an applicable minimum lot area requirement when:

- a. It existed as an entire lot, or as an entire parcel for which either a deed of record in the office of the County Recorder or a bona fide contract of sale was in full force and effect, prior to the date it was first zoned to the zone classification which caused it to be undersized; and
- b. It is not the result of a division of land in violation of any state law or county ordinance.

Section 15. Section 4221, MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS, of the Zoning Ordinance is amended to read as follows:

4221 MINIMUM LOT AREA REQUIREMENTS, NET OR GROSS.
The net lot area of a lot shall be not less than the required minimum area prescribed by the lot area designator of the zone, ~~except as required in the S87 Use Regulations the required minimum area shall include the area to the centerline of adjacent streets and access easements and provided further that a lot or building site may have an area less than the Development Regulations require in the S87 Use Regulations~~, provided that one of the following requirements is satisfied:

[a. thru d., no change]

Section 16. Section 4835, PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS, of the Zoning Ordinance is amended to read as follows:

(following pages)

[a. thru f. only]

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
a. Accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Not permitted.	Permitted in agricultural, residential, §87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential §87 and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, §87 and S92 use regulations, but may not cover more than 50 percent of required yard in combination with all detached accessory structures.
b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.	Not permitted.	Permitted in agricultural, residential, §87 and S92 use.	Not permitted.	Permitted in agricultural, residential, §87 and S92 use regulations but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, §87 and S92 use regulations, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS
(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	-----Not permitted-----				
e. Stands	Permitted where stands are allowed by Section 6156.	-----Not permitted-----			
f. Solar collection devices	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.

Section 17. Section 5025, LISTINGS OF DESIGNATORS, of the Zoning Ordinance is amended to read as follows:

5025 LISTINGS OF DESIGNATORS.
The following shall be used as appropriate.

<u>Designator</u>	<u>Special Area Designator</u>	<u>(See Section)</u>
A	Agricultural Preserve	5100-5110
B	Community Design Review Area	5750-5799
C	Airport Land Use Compatibility Plan Area	5250-5260
D	Design Review	5900-5910
E	Fault Displacement	5400-5406
F	Flood Plain	5500-5522
G	Sensitive Resource	5300-5349
H	Historic/Archaeological Landmark or District	5700-5747
J	Specific Historic District	5749
P	Planned Development	5800-5806
R	Coastal Resource Protection Area	5950-5957
S	Scenic	5200-5212
T	Unsewered Area	5960-5964
V	Vernal Pool Area	5850-5856
W	Flood Channel	5450-5472

Section 18. Section 5250-5260, AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS, of the Zoning Ordinance is added to read as follows:

AIRPORT LAND USE COMPATIBILITY PLAN AREA REGULATIONS

5250 TITLE AND PURPOSE.

The provisions of Section 5250 through Section 5270, inclusive, shall be known as the Airport Land Use Compatibility Plan Area Regulations. The purpose of these provisions is to regulate land uses located within Airport Influence Areas surrounding public and military

airports. These Airport Influence Areas are defined within Airport Land Use Compatibility Plans (ALUCP or ALUCPs) adopted by the San Diego County Regional Airport Authority (Authority) for each airport in San Diego County. The purpose of an ALUCP is to:

- (i) provide for the orderly growth of each airport and the area surrounding each airport within the jurisdiction of the Authority; and
- (ii) safeguard the general welfare of the inhabitants within the vicinity of each airport and the public in general.

5252 APPLICATION OF AIRPORT LAND USE COMPATIBILITY PLAN DESIGNATOR.

The Airport Land Use Compatibility Plan Area Regulations shall be applied to properties located within the delineated Airport Influence Areas surrounding public and military airports for which ALUCPs have been adopted.

5254 USE OF AIRPORT LAND USE COMPATIBILITY PLANS

ALUCPs provide compatibility policies and criteria applicable to landowners in their design of new development. New development located within the Airport Influence Area of an adopted ALUCP shall be reviewed against the established criteria and policies of the ALUCP. Unless the property to be developed is already devoted to the proposed incompatible use or the ALUCP is overridden by the County, development projects must comply with the established policies and criteria of the applicable ALUCP. Compatibility plans which affect County Land Use jurisdiction are available for the following airports: Agua Caliente, Borrego, Brown Field, Fallbrook Airpark, Gillespie Field, Jacumba, Montgomery Field, Ocotillo, Oceanside, Palomar, Ramona, San Diego International Airport, MCAS Camp Pendleton and MCAS Miramar. Compatibility Plans are available at the Department of Planning and Land Use and from the San Diego County Regional Airport Authority.

5256 PROJECTS SUBJECT TO AUTHORITY REVIEW

Land use actions within the scope of California Public Utilities Code (PUC) Sections 21661.5, 21664.4, 21676(c), 21675.1 and 21676.5 or any successor or supplementing statutes thereto must be submitted to the Authority. The PUC and San Diego County Regional Airport Authority Policy 8.30 currently require Authority review for the following actions:

- (i) adoption or amendments to general and specific plans;
- (ii) adoption or amendment of zoning, building, and other land use ordinances and regulations within the Airport Influence Area;
- (iii) adoption and amendment of Airport Master Plans;
- (iv) construction plans for new airports;
- (v) any airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of Runway Protection Zones or any interest in land for purposes of safety);

(vi) all actions, regulations and permits when the Authority has not adopted an ALUCP for an airport; and

(vii) all actions, regulations and permits when a local agency has not modified a general or specific plan to bring it into conformance with an adopted ALUCP or overruled the Authority in the manner required by PUC Section 21676.5.

Submittal of other development projects to the Authority is voluntary. San Diego Regional Airport Authority Policy 8.30 currently requests that local agencies voluntarily submit major land use projects to the Authority for review where those projects have potential compatibility implications with adopted ALUCPs. The County may, in its discretion, require submittal of major projects to the Authority for review.

5258 OVERRIDING AIRPORT COMPATIBILITY PLANS

If the Authority determines that a proposed action for which Authority review is required is inconsistent with an applicable ALUCP, the County consistent with the PUC and San Diego County Regional Airport Authority Policy 8.30 may overrule the Authority by taking the following steps:

- (i) holding a public hearing;
- (ii) making specific findings that the proposed action is consistent with the requirements of the State Aeronautics Act; and
- (iii) approval of the proposed action by a two-thirds vote of the County Board of Supervisors. (See, for example, PCC Section 21676 and 21676.5.)

5260 DEVELOPMENT OF LAND DEVOTED TO INCOMPATIBLE USE

Where land is already devoted to a use incompatible with the criteria of an ALUCP, development consistent with the current use may be allowed to occur even though that use is inconsistent with an applicable ALUCP. Maps are available for infill development areas for areas adjacent to Fallbrook Airpark and Ramona Airport that show potential development that would otherwise be precluded by applicable ALUCPs. Maps are on file with the County of San Diego, Department of Planning and Land Use.

Section 19. Section 5307, USE REGULATIONS AND DEVELOPMENT STANDARDS, of the Zoning Ordinance is amended to read as follows:

5307 USE REGULATIONS AND DEVELOPMENT STANDARDS

In addition to any applicable use regulations, development standards and review criteria contained in The Zoning Ordinance or other County ordinances, the following regulations shall apply to development subject to the Sensitive Resource Area Regulations:

[a. thru c., no change]

- d. Steep Slope Lands. No development, grading, excavation, or deposit of soil or other material, on Steep Slope Lands shall be permitted except as follows:
 - 1. Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be created in a manner which minimizes encroachment onto steep

slopes. Where 10 percent or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement, unless the lot is equal to or greater than 40 acres.

The open space easement shall not include any area of encroachment within the limits of the encroachment table at subparagraph (i) below. The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified at subparagraph (ii) below. New agricultural operations with approved grading or clearing permits will also be allowed in such open space easements, provided any other type of sensitive lands present are protected as required by the applicable sections of this Ordinance.

- i. For all types of projects the maximum encroachment that may be permitted into steep slope areas shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

Twenty-five Percent
Slope Encroachment Allowance

Percent of Lot in Slopes of Twenty-five Percent Grade and Greater	Maximum Encroachment Allowance As Percentage of Area in Slopes of Twenty-five Percent or Greater
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

- ii. Notwithstanding the provisions of paragraph (i) above, the following types of development shall be allowed on steep slopes and shall not be subject to the encroachment limitations set forth above:
 - a) All public roads identified in the ~~Circulation~~ Mobility Element of the County General Plan or adopted Community or Subregional Plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
 - b) Local public streets or private roads and driveways which are necessary for access to the portion of the site to be developed on slopes of less than twenty-five percent, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed

road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.

- c) Public utility systems, provided that findings are made that the least environmentally damaging alignment has been selected.
- d) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- e) Trails for passive recreational use according to approved park plans.
- f) A minimum disturbed area of (i) twenty percent of the entire lot, or (ii) sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
- g) Any ongoing existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to three years shall be considered to be existing agricultural operations.

2. Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering the site plan application makes the following findings:

- i. The slope is an insignificant visual feature and isolated from other land forms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill;" and
- ii. The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent rezone has been filed; and
- iii. The greater encroachment is consistent with the goals and objectives of the applicable community plan.
- iv. Site Plan review is required, to ensure consistency of design with these regulations.

[e. thru f., no change]

Section 20. Section 5800, TITLE AND PURPOSE, of the Zoning Ordinance is amended to read as follows:

PLANNED DEVELOPMENT AREA REGULATIONS

5800 TITLE AND PURPOSE.

The provisions of Section 5800 through Section 5849, inclusive, shall be known as the Planned Development Area Regulations. The purpose of these provisions is to insure the following: 1) the preservation of land areas within the unincorporated territory of San Diego County which possess unique characteristics and features of a geographical, geological, topographical, environmental, agricultural, scenic or historical nature; and/or 2) to permit a more creative and imaginative design for development of any area than is generally possible under conventional zoning regulations which will result in more economical and efficient use of land while providing a higher level of amenities associated with development in Village areas and greater preservation of open space in rural areas.

Section 21. Section 5953, EXCEPTIONS, of the Zoning Ordinance is amended to read as follows:

5953 EXCEPTIONS.

The following uses and activities are exempt, except as otherwise specified, from the provisions of the Coastal Resource Protection Regulations.

[a. thru e., no change]

- f. Except for provisions of Section 5955, the construction of roads shown on the ~~Circulation~~ Mobility Element of the San Diego County General Plan.

Section 22. Section 6124, TEMPORARY OUTDOOR SALES, of the Zoning Ordinance is amended to read as follows:

6124 TEMPORARY OUTDOOR SALES.

Temporary outdoor sales, incidental to the existing commercial uses on the site, may be allowed in compliance with all of the following provisions:

- a. Seasonal sales of pumpkins or Christmas trees. The establishment of a temporary sales lot for the seasonal sale of pumpkins or Christmas trees associated with a recognized holiday is allowed subject to all of the following:
1. Location. The sales lot area shall be located on a paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, C42, M52, M54, M58 Use Regulations, ~~on developed commercial sites in the S87 Use Regulations~~ or in designated commercial developments in planned developments or specific plans, unless otherwise prohibited. Sales lots are not allowed on vacant properties.

[2. thru 8., no change]

This subsection shall not authorize activities otherwise regulated pursuant to Section 6106.

- b. Vehicles, Trailers or Boats. The establishment of a temporary sales lot for the sale of motorized vehicles (including new or used automobiles and recreational vehicles), trailers or boats is allowed, subject to all of the following:
 - 1. Location. The sales lot may be located on any paved site with an existing commercial or industrial development within the C34, C35, C36, C37, C40, M54, M56 and M58 Use Regulations, ~~on developed commercial sites in the S87 Use Regulations~~ or in designated commercial developments in planned developments or specific plans where Automotive and Equipment: Sales and Rentals, Light Equipment are a permitted use. Sales lots are not allowed on vacant properties.

[2. thru 7., no change]

Section 23. Section 6156, RESIDENTIAL AND AGRICULTURAL USE TYPES, of the Zoning Ordinance is amended to read as follows:

[a. thru g., no change]

- h. Barns and Agricultural Storage Buildings shall be limited as follows:

[1. no change]

- 2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, ~~S87~~ and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed that permitted by Section 4620(e). A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

[3. no change]

- i. Offices. Offices are permitted only in zones subject to the A70, A72, ~~S87~~, S90, and S92 Use Regulations.

[j. no change]

- k. Guest Living Quarters. In the A70, A72, RR, ~~S87~~, S90 and S92 Use Regulations, one guest living quarters is allowed on a legal lot. In the RS, RV, RU, RRO and S88 Use Regulations, one guest living quarters is allowed on a legal lot not less than 20,000 square feet in net area. One guest living quarters may be permitted in the RS, RV, RU, RRO and S88 Use Regulations upon issuance of an Administrative Permit on a legal lot which has a net area of less than 20,000 square feet. Guest living quarters are not permitted in other zones. Guest living quarters shall comply with all of the following requirements:

[1. thru 5., no change]

See subsection ii. for an illustrative matrix comparing Second Dwelling Units and Guest Living Quarters.

[l. thru p., no change]

- q. Roadside Sales of Agricultural Products. Operation of an agricultural stand for the display and sale of agricultural products produced on the premises shall be permitted only as follows:

- 1. Agricultural stands are permitted only in the RR Use Regulations on lots one acre or larger, and in the A70, A72, ~~S87~~, S90 and S92 Use Regulations.

[2. thru 10., no change]

[r. thru t., no change]

- u. Farm Employee Housing. In the RR, A70, A72, S80, ~~S87~~, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:

[1. thru 10., no change]

- v. Horticultural Sales. In all residential, agricultural, and ~~S87~~, S88, and S92 Use Regulations, the retail sale of horticultural and floricultural products and their related gardening items in conjunction with and upon the premises of a growing nursery is permitted upon issuance of a Minor Use Permit.

[w. thru zz., no change]

Section 24. Section 6205, OFF-PREMISE SIGNS, of the Zoning Ordinance is amended to read as follows:

6205 OFF-PREMISE SIGNS.

Off-premise signs may be erected, constructed, placed or maintained only in the locations specified herein and in accordance with an Administrative Permit. No application shall be accepted which is not accompanied by evidence of current approval by the applicable section of the Outdoor Advertising Act, Division 3 of the Business and Professions Code, State of California.

- a. Permitted Locations: Off-premise signs may be placed only in the following locations, unless otherwise prohibited:
 - 1. On a lot or parcel in zones subject to the C37, C38, M54 and M58 Use Regulations.

- ~~2. On a lot or parcel subject to the S87 Use Regulations that in the judgment of the Director, constitutes a clearly established commercial or industrial area or located within 200 feet of such area.~~

[b. thru k., no change]

Section 25. Section 6261, ON-PREMISE SIGNS REGULATED, of the Zoning Ordinance is amended to read as follows:

6261 ON-PREMISE SIGNS REGULATED.

Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
 1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.
 - ~~2. On premises upon which a commercial or industrial use type legally exists subject to the S87 Use Regulations.~~
 - ~~3.2.~~ On premises in any zone where a nonconforming commercial or industrial use type exists.
 - ~~4.3.~~ Fallbrook Village Zones.

[b. thru d., no change]

- e. Lighting. Signs may be illuminated unless otherwise specified, provided such signs are so constructed that no light bulb, tube, filament or similar source of illumination is visible beyond the property lines. Neon signs are permitted provided they do not flash. Signs making use of lights to convey the effect of movement, or flashing, intermittent or variable intensity lighting shall not be permitted, except as allowed herein. Electronic or electrically controlled signs that contain a moving message, or a message that appears to move, shall be allowed only upon issuance of an Administrative Permit, and shall be additionally subject to the following limitations:
 1. The characters incorporated into the message shall not change in intensity, hue or size as they move across the sign.
 2. Such signs shall be limited to the C36, C37, M52, M54, and M58 zones within the ~~Current Urban Development Area as shown on the~~ Village Regional Category of the Land Use Element of the General Plan, and to properties abutting streets that are categorized ~~on in the~~ Circulation Mobility Element of the General Plan as Community, Light or Minor Collector Roads, Boulevard, Major Roads, Prime Arterial or Expressway.

3. Such signs shall not be allowed in areas subject to the S Scenic Special Area Regulations Designator.
4. The Site Plan waiver provisions of Section 7156(b). shall not be applied to any Site Plan proposing such signs.
5. The Administrative Permit application shall be provided to the Director of Public Works for review and recommendation, including appropriate limits on the intensity of lights allowed and that the location and design of the sign shall not create a traffic hazard, prior to final action.
- f. Movement. No signs shall move or rotate, nor display any moving and/or rotating parts. Wind propellers and other noise creating devices shall not be permitted.

Section 26. Section 6263, FREESTANDING SIGNS, of the Zoning Ordinance is amended to read as follows:

6263 FREESTANDING SIGNS.

[a. and b., no change]

c. Height.

1. A freestanding sign shall not exceed a height measured from the ground of:
 - i. Eight feet in zones within the California Coastal Zone except that freeway oriented signs shall be subject to the hereinafter specified height limits pertaining to such signs;
 - ii. Twenty feet in zones subject to the Scenic Area and Historic/Archaeological Landmark and District Regulations;
 - iii. Twenty-five feet in any zone subject to the C34, C35, C36, C40, C42, C44, M50, and M52 ~~and S87~~ Use Regulations; or
 - iv. Thirty-five feet in any zone subject to the C37, C38, M54 and M58 Use Regulations.
 - v. Six feet in Fallbrook Village Zones V1, V2, V3, V4 and V5.
2. A freeway-oriented sign may be increased 10 feet above the height specified in paragraph 1 above.

[d. and e., no change]

Section 27. Section 6332, SITE SELECTION CRITERIA, of the Zoning Ordinance is amended to read as follows:

6332 SITE SELECTION CRITERIA.

A heliport, helipad or helistop shall meet the following site location criteria:

[1. thru 6., no change]

7. Heliports and helipads shall be located within 0.5 miles of an existing expressway, freeway, prime arterial, or major road or boulevard shown as noted in the Circulation Mobility Element of the General Plan.
8. These criteria are waived for takeoff and landing areas that meet the definition of "Incidental Landing Area" as defined in this ordinance.

Section 28. Section 6402, GENERAL STANDARDS, of the Zoning Ordinance is amended to read as follows:

6402 GENERAL STANDARDS.

- a. Minimum Site Area. Each resort services use shall occupy a site not less than 5 acres in area.
- b. Density. A resort services use shall not have a density of transient habitation units greater than the higher of the following:
 1. Five transient habitation units per acre, or
 2. The number specified by the applicable Density Designator or the General Plan.

[c. thru h., no change]

Section 29. Section 6536, GENERAL STANDARDS: MINI-MOBILEHOME PARKS, of the Zoning Ordinance is amended to read as follows:

6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.

- a. Density. A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.
- b. Reclassification. Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application ~~or for mobilehome parks approved pursuant to Policy 3.8 of the Land Use Element of the General Plan~~ or for a mini-mobilehome park with less than nine units.
- c. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

Section 30. Section 6624, LOT SIZE, of the Zoning Ordinance is amended to read as follows:

6624 LOT SIZE.

The Lot Size Regulations commencing at Section 4200 shall not apply in a planned development; provided, however, that all required findings can be made pursuant to Section 7350:

- a. ~~Within the RR, A70 and A72 use regulations the minimum lot size shall be 50 percent of the minimum lot size requirement of the applicable zone (provided that any applicable General Plan Land Use Element lot size standards are satisfied). Within the RS use regulations the minimum lot size shall be 60 percent of the minimum lot size requirement of the applicable zone, except that no lot shall be less than 5,000 square feet; and~~
- b. ~~Each lot containing a mobile home shall have a minimum of 3,000 net square feet.~~

Section 31. Section 6627, BUILDING TYPE, of the Zoning Ordinance is amended to read as follows:

6627 BUILDING TYPE.

The Building Type Regulations commencing at Section 4300 shall not apply in a planned development, ~~except that the single detached residential building type shall be required for residential buildings in the RS, RR, A70 and A72 use regulations.~~

Section 32. Section 6867, NONCONFORMING USE – DAMAGE OR DESTRUCTION OF STRUCTURES, of the Zoning Ordinance is amended to read as follows:

6867 NONCONFORMING USE - DAMAGE OR DESTRUCTION OF STRUCTURES.

- a. ~~If the a structures containing any nonconforming use are is damaged or destroyed to the extent that the cost of reconstruction, repairing or rebuilding will exceed 75 percent of the replacement valuation of the structure immediately prior to the damage, as determined by the Building Official pursuant to Section 51.0107 of the County Code, the nonconforming use shall not be resumed on the same lot. Notwithstanding the provisions of this section, if a structure in a Special Parking District, as defined in Section 5761, is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed even if the cost of reconstruction, repairing or rebuilding of the structure exceeds 75 percent of said replacement valuation if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines Manual and all other applicable requirements. See also Section 5761(c)3. , said structure may be reconstructed, repaired or rebuilt to the predamaged size as lawfully existed prior to the damage or destruction.~~
- b. Notwithstanding the provisions of subsection a. above, if the structure containing a nonconforming use includes two or more dwellings and is damaged or destroyed, said dwellings may be reconstructed, repaired, or rebuilt to their predamaged size and number of dwelling units (pursuant to Section 65852.25 of the Government Code). ~~However, if said structure is located in an area zoned with industrial use regulations, then the provisions of subsection a. above shall apply.~~

Section 33. Section 6900, AMBULANCE SERVICE, of the Zoning Ordinance is amended to read as follows:

6900 AMBULANCE SERVICE.

Ambulance services in zones subject to the RU Use Regulations shall comply with the following provisions.

- a. Exclusive Use. No business, other than emergency ambulance service, shall be conducted on the premises nor shall any office equipment or signs be located on the premises.
- b. Setback. The ambulance service shall be located no farther than 1,500 feet from an improved road which is designated as no less than a Minor Collector Highway by the ~~Circulation~~ Mobility Element of the San Diego County General Plan.
- c. Use of Warning Equipment. No siren or flashing lights or any other emergency warning equipment shall be used prior to reaching such Collector Highway as described in subsection "b" above.
- d. Storage. Ambulance shall be parked or stored entirely within an enclosed building.

Section 34. Section 6987, DESIGN REGULATIONS, of the Zoning Ordinance is amended to read as follows:

6987 DESIGN REGULATIONS

[A. thru C., no change]

- D. In a cases where the facility site is visible from "~~Official~~", "~~First~~", "~~Second~~" or "~~Third~~" ~~Priority~~ a Scenic Highways, as identified in the General Plan, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.

[E. thru R., no change]

Section 35. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the _____, a newspaper of general circulation published in the County of San Diego.

Attachment D

An Ordinance Amending the Resource Protection Ordinance

(Underline indicates addition)
 (~~Strikeout~~ indicates deletion)

DRAFT

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE CODIFYING AND AMENDING THE RESOURCE PROTECTION ORDINANCE, RELATING TO WETLANDS, PREHISTORIC AND HISTORIC SITES, AGRICULTURAL OPERATIONS, ENFORCEMENT, AND OTHER MATTERS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the following amendments will provide a necessary update to certain sections of the County Resource Protection Ordinance. Changes are being proposed in order clarify definitions and permitted uses to make them consistent with the way in which the ordinance has been interpreted and applied by the Department. Key to this clarification is to remove inconsistent or vague language that is difficult to interpret and replace it with language that is clearer and follows the intent of the codes. Amendments are also being proposed to clarify permitted uses and establish minimum requirements that must be met before such uses are allowed.

Section 2. The San Diego County "Resource Protection Ordinance", as adopted by Ordinance No. 7631 and amended by Ordinances Nos. 7685, 7739, ~~and~~ 7968, and 9842 is hereby amended, and is hereby codified as Chapter 6 (commencing with Section 86.601) of Division 6 of Title 8 of the San Diego County Code, to read as follows:

CHAPTER 6. RESOURCE PROTECTION ORDINANCE

SEC. 86.601. Findings, Purpose and Intent.

[no change]

SEC. 86.602. Definitions.

[no change]

SEC. 86.603. Resource Protection Study and Findings.

- (a). Application of Regulations. Prior to approval of any of the following types of discretionary applications, a Resource Protection Study must be completed and the approving authority shall make a finding that the use or development permitted by the application is consistent with the provisions of this Chapter:

Tentative Parcel Maps
 Tentative Maps

Revised Tentative Parcel Maps and Revised Tentative Maps
 (Review shall exclude areas unaffected by the proposed revisions)
 Expired Tentative Parcel Maps and Expired Tentative Maps
 Rezones (Excluding those applying the Sensitive Resource Area designator and those
 which have been initiated by the County)
 Major Use Permits
 Major Use Permit Modifications
 (Review shall exclude areas unaffected by the proposed Modifications)
 Certificates of Compliance filed pursuant to Sections 81.616.1 or 81.616.2 of this Code
 (Excluding condominium conversions)
 Site Plans (Excluding those Statutorily or Categorically Exempt from review under the
 CEQA and those required by a Sensitive Resource Area Designator)
 Administrative Permits (Excluding those Statutorily or Categorically Exempt from review
 under the CEQA and those for clearing)
 Vacations of Open Space Easements

This Chapter shall not apply to existing single-family parcels except when an application for one of the above discretionary applications is required, nor to Time Extensions for any of the above permits.

This Chapter shall apply to any applications filed on or after August 10, 1988 for Tentative Map, Tentative Parcel Map, Revised Tentative Map and Revised Tentative Parcel Map, Rezone, Major Use Permit, Major Use Permit Modification, and Site Plan. In addition, this Chapter shall apply to any application for Vacation of Open Space Easement filed on or after March 24, 1989; and to any application for an Expired Map, Certificate of Compliance, or Administrative Permit filed on or after June 30, 1989.

Where any portion of a parcel contains environmentally sensitive lands, this Chapter shall be applicable to the portions of the parcel containing the sensitive lands, and to the remainder of the parcel only to the extent necessary to achieve the purpose and intent of this Chapter.

- (b). Resource Protection Study Requirements. A Resource Protection Study submitted shall be accompanied by a plot plan and any such information, maps, plans, documentation, data and analyses as may be required by the Director of Planning and Land Use. It shall also be accompanied by payment of the fee prescribed in San Diego County Administrative Code Section 362. A Resource Protection Study may be processed concurrently with the associated discretionary permit application.

In order to determine if a parcel contains steep slopes, a slope analysis shall be prepared as part of the Resource Protection Study. The analysis must be completed by a qualified person such as a registered or licensed architect, landscape architect, engineering geologist, land surveyor, or civil engineer based upon a topographic map using ten foot contour intervals or less. The slope analysis shall show the slope categories for the entire property in acres, as required by the Director of Planning and Land Use. Said categories may include the following depending upon the property's plan designation:

~~Less than 15% slope~~
~~15% and greater up to 25% slope~~

Less than 25% slope

25% and greater up to 50% slope

50% and greater slope

- (c). Actions to Protect Environmentally Sensitive Lands. If the Resource Protection Study identifies the presence of environmentally sensitive lands, one or more of the following actions may be required as a condition of approval for the discretionary permit:
- (1). Apply open space easements to portions of the project site that contain sensitive lands;
 - (2). Rezone the entire project site through the application of a special area designator for sensitive lands; or
 - (3). Other actions as determined by the decision-making body.

SEC 86.604. Permitted Uses and Development Criteria.

Within the following categories of sensitive lands, only the following uses shall be permitted and the following development standards and criteria shall be met provided, however, that where the extent of environmentally sensitive lands on a particular legal lot is such that no reasonable economic use of such lot would be permitted by these regulations, then an encroachment into such environmentally sensitive lands to the minimum extent necessary to provide for such reasonable use may be allowed:

[(a). thru (d)., no change]

- (e). Steep Slope Lands.

- (1). Density Formula. When a parcel is located within a plan designation which bases lot size on slopes, the number of lots and/or number of dwelling units ~~created shall be constrained by the following formula: shall be provided by the General Plan Land Use Element.~~

~~Acres in slopes less than 15% : minimum lot size permitted by General Plan
 +Acres in slopes of 15%/less than 25% : minimum lot size permitted by General Plan
 +Acres in slopes of 25%/less than 50% : minimum lot size permitted by General Plan
 +Acres in slopes of 50% or greater : minimum lot size permitted by General Plan~~

~~= Maximum number of lots and/or dwelling units allowable~~

A Planned Residential Development, lot area averaging, conservation subdivision or cluster development shall be required to use the density allowed a standard subdivision using this density formula.

Projects obtaining a density bonus, pursuant to Section 4120 of the Zoning Ordinance, are subject to the above density formula.

- (2). Project Design and Open Space to Protect Steep Slopes. In designing lot configuration on steep slope lands in all land use designations, parcels shall be

created in a manner which minimizes encroachment onto steep slope lands. Where 10% or more of a lot contains steep slope lands, that portion of the lot containing such lands shall be placed in an open space easement unless the lot is equal to or greater than 40 acres or a sensitive resource area designator has been applied to that lot pursuant to the Zoning Ordinance.

The open space easement shall not include any area of encroachment within the limits of the encroachment table (2)(aa). The terms of the open space easement shall provide for sufficient encroachments necessary for access, clearing, and all exceptions to the encroachment limitations identified in (2)(bb). New agricultural operations will also be allowed in such open space easements with approved grading or clearing permits, provided any other type of sensitive lands present are protected as required by the applicable sections of this Chapter.

- (aa) For all types of projects, the maximum encroachment that may be permitted into steep slope lands shall be as set forth in the following table. This encroachment may be further reduced due to environmental concerns or other design criteria.

Percentage of Lot in Steep Slope Lands	Twenty-Five Percent Slope Encroachment Allowance	
	Maximum Encroachment Allowance as Percentage of Area in Steep Slope Lands	
75% or less	10%	
80%	12%	
85%	14%	
90%	16%	
95%	18%	
100%	20%	

- (bb) Notwithstanding the provisions of Paragraph (aa) above, the following types of development shall be allowed on steep slope lands and shall not be subject to the encroachment limitations set forth above:

- (i) All public roads identified in the ~~Circulation~~ Mobility Element of the County General Plan or adopted community or subregional plans, provided that findings are made by the hearing body approving the application that no less environmentally damaging alternative alignment or non-structural alternative measure exists.
- (ii) Local public streets or private roads and driveways which are necessary for primary or secondary access to the portion of the site to be developed on steep slope lands of less than 25%, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Director of Planning and Land Use based upon an analysis of the project site.

- (iii) Public and private utility systems, provided that findings are made that the least environmentally damaging alignment has been selected. However, septic systems are not included in this exemption unless Department of Health Services has certified that no grading or benching is required.
 - (iv) Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are planted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
 - (v) Trails for passive recreational use according to approved park plans.
 - (vi) On any lot created on or before August 10, 1988, a maximum disturbed area of 20% of the entire lot, or sufficient area to accommodate 3,000 square feet of building footprint (whichever is greater) shall be permitted to provide for reasonable use of existing lots.
 - (vii) Any on-going existing agricultural operation, such as the cultivation, growing and harvesting of crops and animals. Land left fallow for up to four years shall be considered to be an existing agricultural operation. An on-going existing agricultural operation does not include uses located within the agricultural operation that are not in themselves related to agriculture.
- (3). Waiver of Open Space Easement. The steep slope open space easement requirement may be waived when the authority considering an application listed at Section 86.603 (a) above makes the following findings:
 - (aa). The slope is an insignificant visual feature and isolated from other landforms, or surrounding properties have been developed on steep slopes such that this project would be considered "infill"; and
 - (bb). The property is zoned for .5 acre lots or smaller at the time the application was made, or a concurrent Rezone has been filed; and
 - (cc). The greater encroachment is consistent with the goals and objectives of the applicable community plan; and
 - (dd). Site Plan review is required to ensure consistency of design with these regulations.
- (f). Sensitive Habitat Lands. Development, grading, grubbing, clearing or any other activity or use damaging to sensitive habitat lands shall be prohibited. The authority considering

an application listed at Section 86.603(a) above may allow development when all feasible measures necessary to protect and preserve the sensitive habitat lands are required as a condition of permit approval and where mitigation provides an equal or greater benefit to the affected species.

- (g). Significant Prehistoric or Historic Sites. Development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands shall be prohibited, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

SEC. 86.605. Exemptions

This Chapter shall not apply to the following:

- (a). Any project for which and to the extent that a vesting Tentative Map approved prior to August 10, 1988, or a Public Benefit Agreement approved prior to June 30, 1989, confers vested rights under County ordinance or State or Federal law to proceed with development notwithstanding the enactment of this Chapter, or its predecessor Ordinances Nos. 7521, 7549, 7595, 7596, 7631, 7685, 7739, ~~and 7968~~ and 9842 (all N.S.) .

[(b). thru (m)., no change]

SEC. 86.606 Enforcement

[no change]

SEC. 86.607 Severability

[no change]

SEC. 86.608 Relationship to Previous Ordinances.

- (a) This Chapter is a represents a codification of previously existing regulations, which were enacted, amended, repealed or superseded by several Ordinances, including Ordinances Nos. 7521, 7549, 7595, 7596, 7631, 7685, 7739, ~~and 7968~~ and 9842 (all N.S.) .
- (b) Ordinance No. 7631 (N.S.), adopted on May 31, 1989, enacting regulations entitled, "Resource Protection Ordinance", contained the following text explaining its relationship to previously existing regulations:

"This Ordinance shall take effect 30 days after its adoption. However, Ordinance Number 7521 (N.S.), An Interim Ordinance Requiring Certain Discretionary Permits in the Unincorporated Territory of San Diego County to be Consistent With the Sensitive Land Ordinance, as extended and amended by Ordinance Numbers 7549 (N.S.), 7595 (N.S.), and 7596 (N.S.) is in effect until June 30, 1989, and said Ordinances regulate the same matter as will be regulated by the Resource Protection Ordinance. Therefore, this Resource Protection Ordinance shall not become operative until the expiration of the

said Ordinance Numbers 7521 (N.S.), 7549 (N.S.), 7595 (N.S.), and 7596 (N.S.), and shall become operative immediately upon such expiration.

"... This Ordinance intends to carry forward many of the regulations contained within Ordinance No. 7521 (N.S.), 7549 (N.S.), 7595 (N.S.), and 7596 (N.S.), with further modifications. Therefore, the application provisions of this Ordinance (at Article III, Section 1 above) [see now Section 86.603 (a) above] relate back to dates when said prior Ordinances were enacted or amended. Any decision on a project subject to the Interim Sensitive Lands Ordinance made on or after June 30, 1989 shall be based upon the regulations in the Resource Protection Ordinance."

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force thirty days after the date of its passage, upon which date the San Diego County "Resource Protection Ordinance", as adopted by Ordinance No. 7631 and amended by Ordinances Nos. 7685, 7739, ~~and 7968,~~ and 9842 shall be superseded by this ordinance and be of no further independent force or effect. Before the expiration of fifteen days after its passage, a summary of this ordinance shall be published once, with the names of the members voting for and against the same, in a newspaper of general circulation published in the County of San Diego.

Attachment E

An Ordinance Amending the Subdivision Ordinance

(Underline indicates addition)

(Strikeout indicates deletion)

DRAFT

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING TITLE 8, DIVISION 1, _____ OF THE SAN
DIEGO COUNTY CODE, RELATING TO _____

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Title 8, Division 1 of the San Diego County Code is amended to read as follows:

Section X: Section 81.306 is amended to read as follows:

SEC. 81.306. PLANNING COMMISSION AUTHORITY AND DUTIES FOR TENTATIVE MAPS.

(a) The Planning Commission's authority, as the advisory agency for tentative maps, shall be as follows:

(1) The Planning Commission is not authorized to approve, conditionally approve or disapprove a tentative map that is: (A) filed for concurrent processing with a General Plan amendment, specific plan, specific plan amendment or an application for a property rezone, that is required to be approved before the tentative map shall be approved or (B) proposing connection to the Rancho San Diego interceptor sewer line for the provision of sewer service and is not within the ~~Current Urban Development Area~~ Village Regional Category as shown by the San Diego County General Plan, ~~Regional~~ Land Use Element. For a tentative map covered by this subsection, the Planning Commission shall make a written report to the Board as provided in Government Code section 66452.1(a).

(2) For any tentative map not included in subsection (1) above, the Planning Commission is authorized to approve, conditionally approve or disapprove the tentative map and shall act pursuant to Government Code section 66452.1(b). In granting the authority under this subsection to the Planning Commission to approve, conditionally approve or disapprove these tentative maps, the Board, pursuant to Government Code section 66474.7, assigns its

responsibilities under Government Code sections 66473.5, 66474, 66474.1 and 66474.6 to the Planning Commission for these maps.

(b) Before any public hearing on an application for a tentative map, a revised tentative map or an extension for a previously approved tentative map, the Planning Commission shall provide notice that complies with the public notice requirements in Government Code section 66451.3.

(c) For each tentative map that comes before the Planning Commission for action, the Commission shall investigate the map and the improvements proposed to be constructed and installed in the subdivision or to serve the subdivision.

(d) As part of its investigation of the map and the proposed improvement the Planning Commission shall obtain and review the recommendations of: (1) the Director, the Director DEH and the Director DPW, with respect to the "design," as that term is defined in Government Code section 66418, of the proposed subdivision and the kind, nature and extent of the proposed "improvements," as that term is defined in Government Code section 66419, and (2) the chief of the local fire district where the proposed subdivision is located, or if there is no local fire district, the County fire official, with respect to fire hydrants, connections to be installed, fire control measures, improvements and compliance with SRA Fire Safe Regulations, 14 CCR sections 1270 et seq., or sections of a fire district's code or County Fire Code, related to subdivisions, when the State Board of Forestry has certified the applicable fire code as equaling or exceeding the State regulations.

(e) Whenever the Planning Commission approves or conditionally approves a tentative map pursuant to this section, it may prescribe the kind, nature and extent of the improvements to be constructed, installed or funded to serve the subdivision for the approved or conditionally approved tentative map. Where the Planning Commission does not prescribe the kind, nature or extent of the improvements to be constructed or installed, the improvements shall be constructed and installed in accordance with the San Diego County Standards.

Section X: Section 81.401 is amended to read as follows:

SEC. 81.401. DESIGN OF MAJOR SUBDIVISIONS.

All major subdivisions shall conform to the following design requirements:

(a) No lot shall include land in more than a single tax rate area.

(b) Every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which the lot is located at the time the final map is

submitted to the Board of Supervisors (Board) for approval, but if the Zoning Ordinance does not establish a minimum lot area for a zone, every lot shall contain a lot area of at least 6,000 square feet.

(c) Every lot shall front on a dedicated road, a road offered for dedication or a private road easement, whichever is required by section 81.402 or the conditions of approval of the tentative map.

(d) A lot shall have at least 50 feet of frontage, exclusive of side yard setbacks required in the zone in which the lot is located, measured at the right-of-way line, but shall also have at least 60 feet of frontage measured at the right-of-way line.

(e) A lot that fronts on a cul-de-sac, whose side lines are approximately radial to the center of the cul-de-sac or a lot that fronts at the intersection of two dead end roads, shall have at least 33 feet of frontage measured at the right-of-way line.

(f) A panhandle-shaped lot shall have a minimum frontage of 24 feet on a dedicated road or private easement road, except where the panhandle portion of two panhandle-shaped lots are adjacent to one another, in which case each shall have a minimum frontage of 20 feet on a dedicated road or private easement road. Panhandles may not serve as access to any lot except the lot of which the panhandle is a part. The panhandle portion of a lot shall not be longer than two-thirds of the distance from the road on which the panhandle fronts to the rear lot line.

(g) A through lot shall not be allowed unless the property owner relinquishes vehicular access rights to one of the abutting roads. To relinquish access rights to a private road, the property owner shall dedicate a one foot access restriction easement to the County that runs the entire width of the lot fronting the private road easement. For a relinquishment of access rights to a public road, the property owner shall provide a "relinquishment of access rights" on the final map.

(h) The side lines of each lot shall be at approximately right angles or radial to the road upon which the lot fronts with a maximum deviation of up to 10 degrees for a minimum distance of 1/3 of the lot depth.

(i) A lot shall be designed so the lot is at least 90 feet deep and the average lot depth, excluding any areas encumbered by any open space, drainage, flood control or right-of-way easement, shall not be greater than three times the average lot width.

(j) Whenever practicable, a major subdivision of property approved for residential use shall be designed so that the front of any lot in the subdivision shall

not be facing a railroad right-of-way, a utility transmission line, an open flood control channel or a road shown on the ~~Circulation~~ Mobility Element of the County General Plan.

(k) Whenever practicable, the side and rear lot lines of a lot shall be located along the top of a man-made slope rather than at the toe or at an intermediate location on a slope.

(l) Bicycle routes shown on the County General Plan shall be included in the subdivision if the routes are reasonably related to the traffic caused by the subdivision. Whenever rights-of-way for roads are required to be dedicated in subdivisions containing 200 or more lots, the subdivider shall include bicycle routes, when necessary and feasible for the use and safety of the residents.

(m) A subdivider shall demonstrate that each lot within the subdivision has unobstructed access to sunlight to an area of not less than 100 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be considered to be achieved when a specific area of not less than 100 square feet has an unobstructed sky view of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south, when measured on the winter solstice.

(n) The design of the subdivision shall reflect non-motorized vehicle trails required by section 81.402(v).

(o) If the Board approves a specific plan or the Board or the Planning Commission approve a major use permit for a planned development pursuant to Zoning Ordinance sections 6600 et seq., that provides subdivision design requirements contrary to the requirements in subsections (b), (d), (e), (h) or (i) above, the provisions of the approved specific plan or major use permit shall govern.

(p) A subdivision shall be designed so that no lot shall be bisected by a road.

(q) A subdivision shall be designed so that a street or road easement providing access to a parcel located on a subdivision boundary, shall not terminate in a cul-de-sac when it is feasible for the street or road easement to serve as a through street connecting the subdivision to a street or road easement in an existing or proposed, adjacent subdivision. If there is no street or road easement on the adjacent property, the street or road easement shall be designed to allow a connection to an adjacent property, in case the adjacent property is developed in the future. If there is an irrevocable offer of dedication or rejected offer of dedication for a street on the adjacent property, the subdivision shall be designed

so that a street that serves a lot located on a subdivision boundary shall be able to connect to a street on an adjacent property if the County accepts the irrevocable offer of dedication or rejected offer of dedication. As used in this subsection, “feasible” means that construction of a through street is not limited by any of the following:

- (1) Topographical or other physical constraints.
- (2) Conditions that would result in a significant impact on the environment.
- (3) Utility easements or other similar title constraints.
- (4) Existing or planned adjacent uses that are incompatible with a road connection.

Section X: Section 81.402 is amended to read as follows:

SEC. 81.402. DEDICATION AND ACCESS.

No tentative map filed pursuant to this division shall be approved unless the map and its proposed conditions satisfy the following requirements:

(a) Where the property to be subdivided is located in an area identified in the County General Plan Land Use Element as an ~~Urban Residential designation 4, 5, 6, 7, 8, 9 or 10~~ Village Residential 2, 9, 4.3, 7.3, 10.9, 15, 20, 24 or 30, a major subdivision shall provide access by one of the following:

- (1) Public roads dedicated in accordance with the San Diego County Standards.
- (2) Private road easements at least 40 feet wide in accordance with the San Diego County Standards for Private Roads, if the Director DPW determines the roads will ultimately serve no more than an estimated 100 ADT or will not feasibly provide a current or future connection to another public road or another subdivision.

(b) Where the property to be subdivided is located in an area identified in the County General Plan Land Use Element as an ~~Urban Residential designation 1, 2 or 3~~ Village Residential 2, a ~~Non-Urban Residential Semi-Rural Residential designation, an Agricultural Rural Lands designation, or a Special Purpose designation 17, 18, 19, 20, 22, 23, 24 or 25~~ Public/Semi-Public designation, a

Federal/State Lands designation or an Open Space-Recreation designation, a major subdivision shall provide access by one of the following:

(1) On-site roads and off site roads in areas designated for ~~one-half acre or greater minimum parcels~~ 2 du/acre or fewer by the County General Plan and which will ultimately serve an estimated 750 to 2500 ADT. The subdivider shall offer these roads for dedication or obtain offers for dedication, in accordance with San Diego County Standards. When the County has not accepted a dedication for the road prior to approval of the final map or parcel map, the County may instead accept a private road easement not less than 40 feet wide, centered within the offered right-of-way, in accordance with San Diego County Standards for Private Roads.

(2) On-site and off-site roads that will ultimately serve more than an estimated 2500 ADT. The subdivider shall dedicate these roads or obtain offers for dedication in accordance with San Diego County Standards.

(3) In cases where subsections (1) or (2) do not apply, on-site or off-site private road easements at least 40 feet wide in accordance with San Diego County Standards for Private Roads if the Director DPW determines the roads will ultimately serve no more than an estimated 100 ADT and will not feasibly provide a current or future connection to another public road or subdivision. If the Director DPW is unable to make this determination based on the evidence available, the subdivider shall provide access by public roads dedicated in accordance with San Diego County Standards.

(c) For subdivision access roads, the property owner shall: (1) enter into a private road maintenance agreement with the County, on a form provided by the Director DPW, that requires the property owner to perform maintenance in perpetuity for each private road that is a subdivision access road and provides that the obligation to repair and maintain the roads shall be a covenant that runs with the land and is enforceable against all subsequent property owners or (2) when required by the Director DPW, dedicate for public use all subdivision access roads that meet San Diego County Standards for Private Roads. In that case, the roads shall be maintained by a permanent road division zone established pursuant to Streets and Highway Code section 1162.6.

(d) Where the property to be subdivided is located in an area subject to a major use permit or a specific plan, streets providing on-site and off-site access shall be designed to those standards necessary to implement the development density design and objectives of the applicable adopted major use permit or specific plan.

(e) Where the property to be subdivided is located in an area identified in the County General Plan Land Use Element as a commercial or industrial designation, streets providing on-site and off-site access shall be dedicated in accordance with San Diego County Standards.

(f) Notwithstanding subsections (a) through (e) above, where the property to be subdivided abuts property that could be further subdivided under the density allowed by the General Plan or could feasibly provide access to a property that could be further subdivided, the subdivider shall provide an analysis of the public road system within the proposed subdivision and that road system shall, where feasible and practicable, be public and be designed so as to extend roads to the boundaries of the property to provide through access from the subdivision to existing or future offsite roads, with the goal of improving circulation in the vicinity.

(g) Each dedicated road which a subdivider proposes on the subdivision boundary shall be at least 40 feet wide together with a strip of land one-foot wide on its outer edge which shall be offered to the County for road purposes and over which the property owner relinquishes access rights.

(h) Each dedicated road which a subdivider proposes to terminate at the subdivision boundary shall include a one-foot wide strip of land extending across the road at its point of termination at the subdivision boundary and shall extend across portions of the adjacent lots. The subdivider shall offer the one-foot strip to the County for road purposes and over which the property owner relinquishes access rights.

(i) Each dead-end public road easement shall include a cul-de-sac that complies with San Diego County Public Road Standards. Each dead end private road easement shall include a cul-de-sac that complies with San Diego County Private Road Standards.

(j) Where it is necessary to extend a road beyond the boundaries of a subdivision to provide adequate circulation or fire protection for residents of the subdivision, the subdivider shall acquire the necessary easements at the subdivider's expense. The subdivider shall dedicate or offer these easements for dedication to the County when required by this section and shall improve the easements in accordance with San Diego County Standards for Public Roads or with San Diego County Standards for Private Roads, whichever is applicable.

(k) Where the property to be subdivided is bounded by any water body such as a lake, estuary, lagoon or river, the subdivider shall provide a street along the water body or other public access.

(l) Where the Director DPW determines a drainage facility or flood control facility is necessary for the use of lot owners or for the protection of lots, the subdivider shall provide adequate rights-of-way for these facilities and shall offer the rights-of-way for dedication to the County or other public entities. These facilities and rights-of-way shall be shown on the tentative map.

(m) Where the Director DPW determines it is necessary to extend a drainage facility or flood control facility beyond the boundaries of a subdivision for adequate drainage or flood control needs, the subdivider shall acquire the rights-of-way necessary to construct and install these facilities at the subdivider's expense and dedicate them to the County or the San Diego County Flood Control District. These rights-of-way shall provide for construction and installation of these facilities in accordance with San Diego County Standards.

(n) Where the Director DPW determines it is necessary to extend a sewer system beyond the boundaries of the subdivision, the subdivider shall acquire and provide all necessary easements and rights-of-way to accommodate the sewer system extension.

(o) The subdivider shall offer to dedicate land for park purposes, pay fees in lieu of dedication or do a combination of both, pursuant to sections 810.101 et seq.

(p) The subdivider shall offer to dedicate the necessary rights-of-way for bicycle routes in accordance with San Diego County Standards, under either of the following circumstances:

(1) When bicycle routes shown on the County General Plan pass through or abut the subdivision and the routes are reasonably related to the traffic caused by the subdivision.

(2) When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots and one or more bicycle routes are necessary and feasible for the use and safety of the residents.

(q) If a tentative map is subject to a condition that the subdivider dedicate an interest in real property outside the boundaries of the subdivision, the tentative map shall also be subject to the condition that the County shall not issue a grading permit pursuant to the tentative map unless one of the following occurs:

(1) Interests in real property have been acquired by the subdivider or the public agency concerned, in a form satisfactory to the Director DPW.

(2) The Board has agreed to acquire the interests in the real property.

(r) Where an off-site access road to a residential subdivision will not provide access to an on-site road to be maintained by the County or a permanent road division zone and the Planning Commission has determined that the cost to acquire the off-site access is unwarranted considering the location, traffic volume or use of the proposed subdivision, the subdivider may in lieu of dedication or an offer of dedication, obtain access via a private road easement at least 40 feet wide. In that case, before map approval, the subdivider shall obtain a certificate from a Title Insurance Company acceptable to the County, certifying that the subdivider and the subdivider's successors have a permanent road easement for access to the subdivision.

(s) In an area referred to in subsection (b) above, the subdivider shall offer to dedicate to the County, any private off-site or on-site road proposed to be private when the Director DPW determines that a high probability exists that the private road may need to be brought into the County-maintained system at some future date.

(t) All utility easements which the subdivider acquires after the tentative map has been approved shall be subordinated to any dedications to the County that the subdivider is required to make as a condition of the tentative map approval, except for major transmission facilities, mains and lines, as determined by the Director DPW.

(u) If any part of a trail corridor, as that term is defined in the Community Trails Master Plan (CTMP) appendix H, is located on the property to be subdivided, the subdivider shall prepare a trail route study to determine the specific location of the trail or pathway within the trail corridor and the type of trail or pathway to be constructed. The trail route study shall be prepared to the satisfaction of the Director DPR. The route study shall apply the trail design and locational criteria and the design and construction guidelines in the CTMP. The subdivider shall offer to dedicate a trail or pathway easement on the alignment specified in the trail route study if: (1) the trail route study the County approves concludes that all or part of the trail or pathway should be located in the trail corridor or portion thereof that is on the property to be subdivided and (2) there is the necessary rough proportionality between the required dedication and the impacts of or benefits to the proposed subdivision. The trail or pathway shall be for pedestrians, equestrians and bicycles.

Section X: Section 81.605 is amended to read as follows:

SEC. 81.605. MASTER PARCEL PLAN REQUIRED.

An application for a minor subdivision located in an area designated in the Land Use Element of the County General Plan as an ~~Urban Residential, Estate Residential or Multiple Rural Use~~ Village Residential 2, 2.9, 4.3, 7.3, 10.9, 15, 20, 24, 30 or Semi-Rural Residential 1 classification that proposes the creation of three or more parcels and which could, under applicable General Plan requirements, be further divided into five or more parcels, shall be accompanied by a master parcel plan (MPP) unless the MPP is waived by the Director pursuant to section 81.606. The MPP shall provide, in concept, the design of the future lots allowed by the General Plan for the area of the proposed minor subdivision and the general location of future on-site and off-site streets and improvements for the initial subdivision of land and all successive subdivisions. Only those improvements and dedications of right-of-way necessary for the initial division of land, however, shall be required to be shown on the MPP.

Section X: Section 81.610 is amended to read as follows:

SEC. 81.610. AUTHORITY TO APPROVE A TENTATIVE PARCEL MAP.

(a) The Board shall have the authority to approve, conditionally approve or disapprove a tentative parcel map that proposes connection to the Rancho San Diego interceptor sewer line for the provision of sewer service and is not within the ~~Current Urban Development Area~~ Village Regional Category as shown by the San Diego County General Plan, ~~Regional~~ Land Use Element.

(b) The Director shall have the authority to approve, conditionally approve or disapprove all other applications for a tentative parcel map and for these applications, the Board assigns its responsibilities under Government Code sections 66473.5, 66474, 66474.1 and 66474.6 to the Director.

Section X: Section 81.701 is amended to read as follows:

SEC. 81.701. DESIGN OF MINOR SUBDIVISION.

Except as otherwise provided in this chapter a minor subdivision shall conform to the lot design requirements in section 81.401. Section 81.401(q) shall only apply to a minor subdivision in a "~~Rural Development Area~~ Regional Category," as that term is used in the County General Plan.

Section X: Section 81.703 is amended to read as follows:

SEC. 81.703. DEDICATION REQUIREMENTS FOR STREETS SHOWN ON THE COUNTY GENERAL PLAN ~~CIRCULATION~~MOBILITY ELEMENT.

A subdivider's offer of dedication for a minor subdivision for each right-of-way for a street shown as prime arterial, major road, boulevard, ~~recreational parking community collector~~, ~~rural mountain collector road~~, ~~rural collector~~, ~~town collector~~ ~~or light collector~~ ~~or minor collector~~ on the County General Plan ~~Circulation~~Mobility Element shall comply with the following requirements:

(a) The subdivider shall dedicate 30 feet of right-of-way from the centerline of a street governed by this section to the boundary line of each lot of the subdivision which abuts the street. The dedicated right-of-way shall be shown on the parcel map.

(b) The specific location of the centerline of every street governed by this section, as established by the Director DPW, shall be shown on the parcel map.

(c) The full width of every street regulated by this section shown on a parcel map shall be identified by a line drawn at the appropriate location and labeled "limit of proposed street widening." The distance in feet on each side of the centerline of a street shall be as provided in the County Public Road Standards, based on the type of street required.

(d) A street setback line as defined in section 51.302(p) is established on each side of and parallel to the centerline of every street shown on the County General Plan ~~Circulation~~Mobility Element, except in multiple residence zones, commercial zones and manufacturing zones. The distance in feet from the centerline of the highway to the street setback line shall be 20 feet plus the distance in feet referenced in subsection (c), above.

(e) Whenever any street is shown on a parcel map, the street setback line shall be shown at the appropriate location and labeled "street setback line."

Section X: Section 81.805 is amended to read as follows:

SEC. 81.805. CENTER LINES, RIGHT-OF-WAY LINES, PROPOSED ROAD WIDENING LINES AND BUILDING LINES.

If a street designated as a ~~collector highway~~, a major highway road or a prime arterial highway on the County General Plan Circulation Element is shown on a parcel map and a: (a) centerline, as defined in section 51.302(b), (b) right-of-way line, (c) proposed road widening line or (d) street setback line, as defined in

section 51.302(p), has been established with respect to that street pursuant to section 51.301 et seq., section 75.101 et seq. or this division, each of those lines shall be shown at the appropriate location on the parcel map and clearly labeled to identify its function.

Section X: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the _____ a newspaper of general circulation published in the County of San Diego.

DRAFT

Attachment F

Resolution of the Planning Commission Concerning the General Plan Update

Attachment F

April 16, 2010
July 9, 2010

A RESOLUTION OF THE SAN DIEGO COUNTY)
PLANNING COMMISSION CONCERNING)
THE GENERAL PLAN UPDATE - GENERAL PLAN AMENDMENT (GPA))

ON MOTION of Commissioner _____, seconded by Commissioner _____, the following Resolution is adopted:

WHEREAS, pursuant to Government Code Sections 65350 et seq., a comprehensive update of the County of San Diego General Plan has been prepared in the Calendar Year 2010; and

WHEREAS, this comprehensive update of the County General Plan has been initiated by the County of San Diego consisting of the following:

- (1) New Land Use, Mobility, Housing, Conservation and Open Space, Safety and Noise Elements replacing the current Land Use, Circulation, Public Facilities, Housing, Noise, Public Safety, Seismic Safety, Conservation, Open Space, Recreation, Scenic Highway and Energy Elements;
- (2) Amendments to the Land Use Map;
- (3) Amendments to the Circulation Element (renamed Mobility Element) Map;
- (4) Comprehensive updates of the Bonsall, Borrego Springs, Boulevard, Crest/Dehesa, Elfin Forest/Harmony Grove, Fallbrook, Pine Valley, Potrero, Rainbow, Ramona, Spring Valley, and Valle de Oro Community Plans;
- (5) Amendments to the Alpine, Central Mountain, Desert, , Jamul/Dulzura, Julian, Lakeside, Mountain Empire, North County Metro, North Mountain, Otay, Pala/Pauma, San Dieguito, Sweetwater, and Valley Center Community and Subregional Plans; and
- (6) Amendments to the Zoning to achieve consistency with the Land Use Map amendments; and

WHEREAS, the Department of Planning and Land Use has made its detailed recommendations concerning the above items; and

WHEREAS, Applications have been filed to detach APNs 484-184-24-00 and 484-184-25-00 from the City of El Cajon pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000; and

Attachment F

WHEREAS, the San Diego Local Area Formation Commission (LAFCO) Board will take action on this Application for Detachment, and associated Reorganization, following the Board adoption of this resolution and approval of an agreement between the County of San Diego and City of El Cajon on the Tax Exchange; and

WHEREAS, the Department of Planning and Land Use recommends that the Planning Commission review and consider the information contained in the EIR dated July 1, 2009, and associated documents on file with the Department of Planning and Land Use as Environmental Review Number 02-ZA-001 prior to making its recommendation on the project; and

WHEREAS, the Planning Commission, pursuant to Government Code Sections 65351 and 65353 held duly advertised public hearings on the General Plan Update on the following dates:

November 6, 2009
November 19, 2009
November 20, 2009
December 4, 2009
February 19, 2010
March 12, 2010
April 16, 2010
July 9, 2010; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the EIR dated July 1, 2009, and associated documents on file with the Department of Planning and Land Use as Environmental Review Number 02-ZA-001 prior to making its recommendation on the project;

NOW THEREFORE BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

1. Review and consider the information contained in the Environmental Impact Report on file with the Department of Planning and Land Use as Environmental Review Number 02-ZA-001 prior to making its decision on the project.
2. Certify that the Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and that it reflects the Board of Supervisor's independent judgment and analysis.
3. Adopt the Findings prepared pursuant to CEQA Guidelines section 15091.

Attachment F

4. Adopt the Statement of Overriding Considerations prepared pursuant to CEQA Guidelines section 15093.
5. Find that the comprehensive update of the General Plan is in compliance with the California Government Code.
6. Approve the comprehensive update to the County General Plan, as briefly described below and more specifically explained in Appendices 1, 2 and 3:

Appendix 1:	General Plan Update Text including the Land Use, Mobility, Conservation and Open Space, Housing, Safety, and Noise Elements
Appendix 2:	General Plan Update Maps 2A: Land Use Map <u>(as amended July 9, 2010)</u> 2B: Mobility Element Network Map
Appendix 3:	Community and Subregional Plans.

7. Take the following actions for APN 484-184-24-00 and APN 484-184-25-00, subject to approval of the Detachment by the LAFCO Board:
 - a. Include these parcels within the Lakeside Community Planning Area;
 - b. Apply General Plan designation of Village Residential 15; and
 - c. Apply a Variable Family Use Regulation Zone (RV) with a 6,000 square foot minimum lot size and a "B" special area designator.

BE IT FURTHER RESOLVED that the amended documents shall be endorsed in the manner provided by the Board of Supervisors.

PASSED AND APPROVED by the Planning Commission of the County of San Diego, State of California, the 9th day of July 2010 ~~16th day of April 2010~~, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

